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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 LYNDA ALEXANDER,

9 Plaintiff(s),

10 v.

11 WAL-MART STORES, INC.,

12 Defendant(s).  
13

2:11-CV-752 JCM (PAL)

14 **ORDER**

15 Presently before the court is defendant's motion in limine to exclude plaintiff's demonstrative  
16 exhibit (animation). (Doc. # 104).<sup>1</sup> Plaintiff filed a response in opposition. (Doc. # 116).

17 Also before the court is plaintiff's motion to set a trial date. (Doc. # 117). Defendant filed  
18 a non-opposition. (Doc. #118).

19 **I. Motion in Limine**

20 Defendant argues that the animation video is unfairly prejudicial under Federal Rule of  
21 Evidence 403. Plaintiff argues that the video is relevant and admissible under Rules 401 and 402.  
22 The court has viewed the animation video submitted by the parties. The court finds that the video  
23 is not unfairly prejudicial. The video is admissible.

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27 <sup>1</sup> Defendant also filed an objection (doc. # 105) to the demonstrative exhibit, which is an  
28 identical document to its motion in limine.

**II. Motion for Trial Dates**

The court has already ordered the parties to meet and confer in good faith to find three mutually agreeable trial dates that are available to the parties. (Doc. # 114). The court ordered the parties to submit a stipulation with the proposed dates. The parties could not agree to a single agreeable date and file a stipulation accordingly.

The court will set the trial date since the parties cannot agree. This case is set on the November 4, 2013, trial stack. The parties may file a stipulation prior to this date to move the case to an earlier trial stack.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion in limine (doc. # 104) be, and the same hereby, is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that plaintiff's motion to set a trial date (doc. # 117) be, and the same hereby, is GRANTED consistent with the foregoing. This case is set for trial on November 4, 2013.

DATED April 5, 2013.

  
UNITED STATES DISTRICT JUDGE